

3. Undersigned counsel for the Department of Justice therefore requests a stay of the continuing, bi-weekly requirement to file a Joint Status Report in this case until Congress has restored appropriations to the Department. Because of a parallel status-report requirement in Petitioner's military-commission case, Petitioner's counsel—most if not all of whom are also counsel before Petitioner's military commission—will receive on a bi-weekly basis in that proceeding the same health-related information that is included in the Joint Status Report in this case. Additionally, because funding has not lapsed for the Department of Defense, counsel's ability to communicate with or to visit Petitioner through either military-commission or habeas procedures has not been affected by the lapse in the Department of Justice's appropriations. Thus, a stay will not impair Petitioner's counsel's ability to monitor Petitioner's health and, consequently, to bring any needed matter to the Court's attention.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as funds have been appropriated for the Department.

5. Petitioner's counsel has authorized counsel for Respondents to state that:

Petitioner opposes a stay to excuse the filing of a bi-weekly status report. Petitioner does not oppose an order excusing Respondents from contributing to the status report for the duration of the lapse in appropriations, during which time Petitioner will file a unilateral bi-weekly status report that attaches the most recent SMO Declaration (which is issued every two weeks pursuant to order in the military commissions proceeding) and includes the other information required by the Court's Minute Order dated October 20, 2017. Petitioner also does not oppose Respondents' filing a reply to the bi-weekly report(s) at any time, before or after Government funding is restored.

For the reasons stated above, Respondents cannot agree with this proposal.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, Respondents hereby move for a stay of the biweekly Joint Status Reports in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

7 January 2019

Respectfully submitted,

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